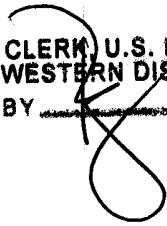


**FILED**

NOV 16 2009

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

**ATSER RESEARCH  
TECHNOLOGIES, INC.,**

**vs.**

**RABA-KISTNER  
INFRASTRUCTURE, INC., et al.**

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§  
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§

**CIVIL ACTION NO.  
SA-07-CV-093-HLH**

**PLAINTIFF ATSER RESEARCH TECHNOLOGIES, INC.'S  
NOTICE OF APPEAL**

Notice is hereby given that Plaintiff ATSER Research Technologies, Inc. ("ATSER") hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered on August 27, 2009, [Doc.243], and all related orders, rulings, findings, and/or conclusions of the Court adverse to ATSER, including (without limitation) the order entered on August 27, 2009 [Doc.242] (granting Defendants' motion for summary judgment).

ATSER also appeals from the order entered on October 14, 2009 [Doc.253] denying ATSER's motion for reconsideration, to the extent that order is not subsequently vacated by the district court and is given legal effect.

ATSER also appeals the order entered on October 23, 2009 [Doc.254] (granting Defendants' Motion to Find this Case Exceptional under 35 U.S.C. § 285).

Further, ATSER appeals the order entered on March 2, 2009 [Doc.168] (order regarding claim construction).

A check for \$455.00, representing the \$450 fee for docketing a case on appeal specified in 28 U.S.C. § 1913 and the \$5 fee for filing a notice of appeal specified in 28 U.S.C. § 1917, is being forwarded to the Clerk of Court.

Respectfully submitted,

Mehaffy Weber, P.C.



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**Counsel for Plaintiff  
ATSER RESEARCH  
TECHNOLOGIES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on November 12, 2009, I served the attached document via certified mail, return receipt requested, to the following:

**Via Certified Mail, R\*R\*R\* 7003 3110 0003 3173 2857**

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**Via Certified Mail, R\*R\*R\* 7003 3110 0003 3173 2864**

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RABA-KISTNER-BRYTEST CONSULTANTS, INC.; RABA-KISTNER-ANDERSON  
CONSULTANTS, INC. f/k/a RABA-KISTNER CONSULTANTS (SW), INC.; LONE  
STAR INFRASTRUCTURE, LLC., and LONE STAR INFRASTRUCTURE, JOINT  
VENTURE**



Eric Adams